

**NATURAL RESOURCE COMMISSION[571]**

**Adopted and Filed**

**Rule making related to zoning of Mississippi River in Lansing**

The Natural Resource Commission (Commission) hereby amends Chapter 40, “Boating Speed and Distance Zoning,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 462A.3, 462A.26(2) and 462A.32.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 462A.26 and 462A.32.

*Purpose and Summary*

Pursuant to Iowa Code section 17A.7, Friends of Pool 9 petitioned the Commission to amend Chapter 40. Friends of Pool 9 represents businesses along the waterfront of the Mississippi River in Lansing, Iowa. Petitioners have indicated that the safety of patrons loading and unloading onto waterfront docks is put at risk by the wakes of passing boats rocking and jolting the docks. To remedy this, Friends of Pool 9 requested that the Commission designate a no-wake zone located along a portion of Lansing marked by buoys and extending no more than 300 feet into the Mississippi River channel, starting 800 feet north of river mile marker 662.2 and proceeding to Lansing City Marina Dike. However, the no-wake zone does not apply to commercial barge traffic. The zone will be marked with permanent signage placed on the north and south shorelines, and no-wake buoys will be placed every 1,500 feet for the length of the no-wake zone. Friends of Pool 9 will be responsible for the placement and maintenance of the buoys designating the no-wake zone.

The Commission supports this change. The Commission agrees that a no-wake zone will ensure the safety of patrons while they are loading and unloading at local businesses, which benefits Allamakee County’s tourism and local economy. The change does not significantly affect general use of the river in this area, because the no-wake zone will not extend more than 300 feet into the Mississippi River channel and will not include commercial barge traffic.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 15, 2020, as **ARC 5079C**. A virtual public hearing was held on August 4, 2020, at 1 p.m. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commission on September 10, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the state of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. However, the City of Lansing is a large tourist community for the county and positively impacts the local economy. A copy of the jobs impact statement is available from the Department upon request.

### *Waivers*

This rule making is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on November 11, 2020.

The following rule-making action is adopted:

Adopt the following **new** rule 571—40.62(462A):

#### **571—40.62(462A) Zoning of the Mississippi River, Lansing, Allamakee County.**

**40.62(1)** All vessels, except commercial barge traffic, shall be operated at a speed not greater than 5 miles per hour within an area extending 300 feet from shore and beginning at a point 800 feet north of river mile marker 662.2 and proceeding to Lansing City Marina Dike.

**40.62(2)** The Friends of Pool 9 shall designate and maintain the 5-mile-per-hour speed zone with buoys approved by the natural resource commission.

This rule is intended to implement Iowa Code sections 462A.26 and 462A.32.

[Filed 9/17/20, effective 11/11/20]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/7/20.